SH2246245

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Investigativ	re Summary
Deputy	Transcribed Interview
Sergeant D	ana Ellison Transcribed Interview
Exhibits:	*
Α-	LASD Homicide Book URN 009-11047-2843-013 including CDs containing the coroner's photos, Subject clothes and shoes, Homicide I/O photos, homicide interviews, and one DVD of McDonald's security video.
B-	Two CDs containing Homicide's interviews.
C-	One picture of the shooting scene and two CDs containing pictures of the shooting scene and aerial photos.
D-	15 pages of still photographs taken from security security camera # 8 and one DVD containing the security video and photos.
E-	One CD containing Compton Station radio traffic.

Miscellaneous Documents

Administrative Rights Form Report Receipt from Green and Shinee. Memo from Chief Miller to Sheriff Baca

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE:

October 4, 2010

OFFICE CORRESPONDENCE

FILE NO.

SH2246245

FROM:

ERIC B. SMITH, COMMANDER

LEADERSHIP AND TRAINING DIVISION

TO:

KARYN MANNIS, CAPTAIN

INTERNAL AFFAIRS BUREAU

SUBJECT:

EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:

DEPUTY #

OPERATION SAFE STREETS BUREAU

On July 5, 2009, Deputy and Sergeant Dana Ellison # were stopped in their unmarked on Poinsettia Avenue at Alondra Boulevard in the city of Compton. Sergeant Ellison was driving and Deputy was the passenger.
They observed Subject MB/17, and MB/17, walking west on the south sidewalk of Alondra Boulevard approaching their location. Sergeant Ellison and Deputy noted the four individuals appeared to be local street gang members. As the individuals continued west, Sergeant Ellison called out to them and asked that they return to the area of the patrol car. Three of them immediately stopped and walked toward the patrol car, while Subject hesitated. As the individuals approached, Sergeant Ellison observed Subject use both hands to roll up the bottom of his shirt just above his waistband and grip the butt of a gun. Subject then let his shirt fall back down, covering his waistband.
Subject suddenly ran away east on the south sidewalk of Alondra Boulevard. Deputy followed Subject and Sergeant Ellison moved to the front of the car to maintain visual contact with Deputy and to maintain control of the other three individuals.
As Subject was running, Deputy saw him remove a handgun from his waistband. Subject ran onto Alondra Boulevard and when reached the middle of the eastbound lanes, he turned toward Deputy Deputy saw the handgun in Subject left hand, and saw left arm turning toward him as Subject turned to his left. Fearing for his life, Deputy fired two rounds from his duty weapon and Subject fell to the ground. The subject's gun, a fully loaded Smith and Wesson .38 caliber revolver, was recovered at the scene.

Subject sustained a gunshot wound to his left lower-middle back side. He was transported to Saint Francis Medical Center where he was pronounced dead.

On September 23, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy # was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY . District Attorney JOHN K. SPILLANE . Chief Deputy District Attorney CURTIS A. HAZELL . Assistant District Attorney

JANICE L. MAURIZI . Director

June 7, 2010

Captain David Smith Homicide Bureau Los Angeles County Sheriff's Department 5747 Rickenbacker Road Commerce. California 90040

RE:

J. S. I. D. File No. 09-0440

L.A.S.D. File No. # 009-11047-2843-013

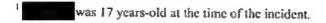
Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 5, 2009, fatal shooting of juvenile by Los Angeles County Sheriff Deputy We have concluded that Deputy acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Detective Steven Blagg and Sergeant Jeffery Cochran on January 8, 2010. The District Attorney Command Center was notified of the shooting at approximately 5:45 p.m. on July 5, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Renee Cartaya and District Attorney Senior Investigator responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On July 5, 2009, at approximately 3:40 p.m. as part of a the Los Angeles County Sheriff's Operation Safe Streets Bureau (OSS) Gang Enforcement Team (GET), Sergeant Dana Ellison and Deputy were assigned to a "Summer Enforcement





Captain David Smith June 7, 2010 Page 2 of 5

Detail," and on patrol in an unmarked sheriff vehicle in the City of Compton.2 The specific duty of GET patrol personnel was to contact and interact with gang members, or potential gang members, and the enforcement of weapons laws.3

While stopped at the intersection of Alondra Boulevard and Poinsettia Avenue, Ellison observed four males walking west on Alondra Boulevard and pass the front end of his patrol car. The four crossed on a red light and they appeared to be gang members. Still seated behind the driver's wheel, Ellison said, "Hey kids, come back over here and let's check for guns." Three of the male juveniles, later identified as, ,4 immediately stopped, turned around, and walked back toward the patrol car. The fourth juvenile, later identified as continued walking west. Ellison stated that having exited the vehicle, said to That means you turned and began walking towards Ellison's side of the patrol car. stopped near the left front fender, closer to the windshield. Ellison observed looking across the hood of the patrol car using the palm of his right hand to roll-up the bottom right front portion of his shirt, exposing the butt of a handgun in his waistband. grabbed the butt of the handgun and held onto it for one second, and then released it allowing his shirt to fall concealing the gun. was walking back toward the patrol car, he noticed a bulge on the left side hip area when turned to his left looking at ⁶ Simultaneously as walked around the front of the car, Ellison still seated in the vehicle, alerted as he passed him to be aware of the juvenile wearing a, "Brown shirt," continued to walk to the passenger side of the patrol car when he suddenly began to run east. heard Ellison say, "He's got a gun," as engaged pursuit with Ellison following. reached the corner of Alondra Boulevard and Poinsettia Avenue, Ellison remove a gun from the waist of his pants. As continued to run northeast across the eastbound lane of Alondra Boulevard, he turned to his left toward Ellison believed that had the gun in his outstretched right hand when he ² Ellison and were wearing their "Class B" uniforms consisting of a protective armor vest, with a green cloth over the uniform. The vest cover had a Los Angeles County Sheriff cloth badge affixed to the left breast, a cloth nametag affixed to the right breast, a large patch with the word "Sheriff" on the back of the vest, a radio, and various pockets and pouches for items normally carried on duty. Ellison also had a gun belt, containing his department issued Beretta 9mm handgun. In addition to his gun belt containing a department issued Beretta 9mm 92F handgun, with two additional magazine pouches, pepper spray, a taser, handcuff cases, an expandable baton, a radio, a flashlight, and a back-up .38 caliber revolver in his ³In general, training and experience in the Gang Unit has shown that the first contact or interaction between police and an armed gang member often provokes a reaction, such as running from the deputy, indicative of possession of a weapon. All three were 17 years-old at the time of the incident. recalled that Ellison made this statement. ⁶ Due to the location of the bulge in



pants,

phone was later recovered near

believed that the bulge was a cell phone. A cell

Captain David Smith June 7, 2010 Page 3 of 5

look in his direction and with his left hand pull a pointed it at saw gun from the left side of his waistband.7 saw the "barrel of the gun clearing waistline," with his left hand clenched around the butt of the gun. muzzle of the handgun coming up as was turning his left hand, pivoting his left shoulder and the left side of his body toward him. In fear for his life, rounds from his service weapon, striking who fell to the ground face forward. ordered not to move, he rolled over onto his back placing his hands above his head. Saw the muzzle of the handgun protruding from under shirt on his right side. Ellison requested paramedics over the radio. While provided cover, Ellison attempted to provide aid to Failing to see any injuries on the front of Ellison rolled him over onto his left side, where he saw a loaded .38 caliber Special revolver lying on the asphalt under the right side of lower back.8 Ellison recovered the gun, secured it in the trunk of his patrol vehicle and later showed it to Detectives and Rich Lopez. After the Compton City Fire paramedics treated to Saint he was transported to Saint Francis Hospital Medical Center where he received further medical treatment and was subsequently pronounced dead at 4:05 p.m. by Doctor Jones. On July 7, 2009, Deputy Medical Examiner Solomon Riley Jr., M.D., performed an wound. A toxicological analysis was conducted as a part of the autopsy and revealed measurable amounts of marijuana in the decedent's blood. On July 10, 2009, Los Angeles County Coroner Research Criminalist Margaret Kaleuati conducted an electron microscopy/energy dispersive spectroscopy (SEM/EDS) analysis of the decedent's right and left hands. The analysis revealed several consistent particles of gunshot residue on the right hand and few consistent particles of gunshot residue on the left hand. Kaleuati opined that the deceased may have discharged a firearm, had his hands otherwise in an environment of gunshot residue, or received these particles from an environmental source. On October 27, 2009, Senior Criminalist Michelle Madrid conducted a biological examination for deoxyribonucleic acid (DNA) and determined an insufficient amount of DNA was obtained from gun to conduct an analysis. Investigators canvassed the area for witnesses who saw the shooting and conducted interviews concerning the incident. Although none of the witness below saw the shooting, some of them saw portions of the incident.

The gun was a Smith and Wesson, with the serial number obliterated and loaded with six live rounds.

A review of security cameras from a nearby revealed that ran past the with the gun in his left hand. Detectives interviewed was right-handed.

Captain David Smith June 7, 2010 Page 4 of 5 was walking home from the McDonald's located at Long Beach and Alondra Boulevards with his friends, , and walked westbound on Alondra Boulevard, saw an unmarked patrol car drive northbound on Poinsettia Avenue and stop at Alondra Boulevard. the vehicle and saw two Sheriff's deputies. When they crossed Poinsettia Avenue, Ellison asked the group to come over to his car. All four walked to the car and placed their hands on the hood. While still seated in the car, Ellison asked all of them to lift up their shirts and they complied. When lifted his shirt only saw his bare skin. He did not see a gun. Simultaneously as exited the passenger door, eastbound away from the patrol car. shouted, "Stop, running!" However, continued to run. had already drawn his service weapon. his service weapon twice and watched fall on his back in the street. After he heard Ellison requesting help over the radio, saw him bend down and recover a gun right side. Ellison placed the gun in the patrol vehicle. statement was substantially similar to statement with a few stated that the group was told to lift their shirts up prior to being exceptions. ordered to place their hands on the hood of the vehicle. When Ellison started to get out of the patrol car, gran. ran. exited shouting, "Freeze!" failed to comply and continued fleeing. fired his service weapon twice at saw Ellison pick up a gun from the middle of the street near where turning. lay. was in the front yard of her home watching her children, when she saw an unmarked Sheriff's patrol unit northbound on Poinsettia at the traffic signal. She saw four kids walking along the sidewalk. She looked away and back again a little later, and saw that either three or four of the kids were on their knees at the front bumper of the patrol car. She then heard a deputy repeatedly shouting, "Stop!" Almost immediately thereafter, she heard one or two gunshots. After hearing the gunshot, she saw a deputy approaching someone lying in the eastbound lanes of Alondra Boulevard and ordering, "Stop moving! Stop moving!"

was working at Boulevard in the City of Compton when she heard gunshots. She looked through the large north picture window and saw a deputy pointing a firearm at who was lying in the street. A second deputy approached and she saw the deputy search and retrieve a firearm from around the waist area.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

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In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Criminal Jury Instructions 3470.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (People v. Collins (1961) 189 Cal. App.3d 575).

c:

Deputy

CONCLUSION
The evidence examined in this investigation shows that was in possession of a handgun and attempted to flee from the deputies. Despite the repeated commands by Deputy to stop, continued to flee. Suddenly, during the pursuit, turned around and pointed a handgun at Deputy Fearing for his life, he fired his service weapon, fatally striking and ultimately ending a potentially lethal situation.
Given the appearance of a rapidly evolving, life-threatening situation that confronted Deputy we conclude he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.
Very truly yours,
By CORENE S. LOCKE-NOBLE Deputy District Attorney (213) 974-3880

Los Anceles County Sheriff's Department Officer Involved Shooting

Page 1 of 5

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-- Officer Involved Shooting

URN: 009-11047-2843-013

Page 2 of 5

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E-1	S-1	FH	BR	9	Y	Υ	DH	ВК

Officer Involved Shooting Thyolved Employee Information

URN:

009-11047-2843-013

3_of_5 Page Involved Employee First Name Last Name Employee : Work Assignment (Unit #. Module, etc.) Unit Assignment Rank Sex Substance Used ShiffType , circle an your Interication/Drug Usage? Coroner Case # Hospital Name: Interviewed? Coroner Case? Hospital Admission? 2009-04643 Other Factors. Hrs of sleep prior to shooting | Duty Time (hrs) Clothing (circle only one): Raid Jacket vd Verd Plain Clothes no Vest 8-10 Height: Plain Clothes w/ Vest Uniform no Vest Weight. Age Uniform w/ Vest Rend Jacket no Vest Laser Training Date PPC Qualification Date Range Qualification Date Number of Prior Directed Force Prior Shootings? Certification Unit: Certified with Weapon Patrol Certification? Shootings Used? # Shots 2 Caliber # Shots Weapons Fired Caliber Weapons Fired **9MM** Brand Beretta First Name Last Name Field Training Officer Emp # First Name Last Name Field Training Officer Emp # M.I. First Name Last Name Employee # Work Assignment (Unit #, Module, etc.) Unit Assignment: Sex Race: Rank Substance Used ShiffType (circle only one): ShiftTime (circle only one) Intoxication/Drug Usage? Overtime Off Duty Regular Coroner Case # Hospital Name Interviewed? Coroner Case? Hospital Admission? Other Factors Hrs of sleep prior to shooting | Duty Time (hrs) Clothing (circle only one): Raid Jacket w/ Vest Plain Clothes no Vest Plain Clothes w/ Veel Uniform no Vest Age: Height Weight: Uniform w/ Vest Raid Jacket no Vest Laser Training Data PPC Qualification Date: Range Qualification Date Number of Prior Directed Force Certified with Weaponr Certification Unit: Prior Shootings? Patrol Certification? Shootings # Shots # Shots Weapons Fired Caliber Weapons Fired Brand: Brand: M.L First Name Field Training Officer Emp # **Last Name** M.I First Name Last Name Field Training Officer Emp # MI First Name Last Name Employee # Work Assignment (Unit #, Module, etc.) Unit Assignment Race Rank Substance Used ShiffTime (circle only one): ShiftType (circle only one). Intoxication/Drug Usage? Off Duty Regular Overtime Day PM Coroner Case # Hospital Name: Interviewed? Coroner Case? Hospita: Admission? Other Factors Clothing (circle only one): Ptain Clothes no Vest Duty Time (hrs): Hrs of sleep prior to shooting: Flord Jacket w/ Vest Uniform no Vest Plain Clothes w/ Vest Height: Weight: Uniform w/ Vest Raid Jacket no Vest PPC Qualification Date: Laser Training Date Range Qualification Date: Number of Prior Directed Force Prior Shootings? Certified with Weapon Certification Unit. Patrol Certification? Shootings. # Shots Weapons Fired Caliber Caliber # Shots Weapons Fired Brand: Brand: МТ First Name Field Training Officer Emp# Last Name First Name MI Field Training Officer Emp # Last Name

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\$	Work Phone: Age D.O.B. Booking # Coroner Case? Armed? Vehicle Make Last Name AKA Last Name Sex Race Work Phone: Age D.O.B.	Home Phone: Height: Weight: Primary Charge: Coroner Case # Apprehended? Street Address: Home Phone: Height: Weight: Primary Charge:	FBI #	Secondary Charge* Intoxication/Drug Usage? Mental Illness? Model: First Name City curity #:	Cli# Substance Used: Criminal History? Year Driver's License #	M.I

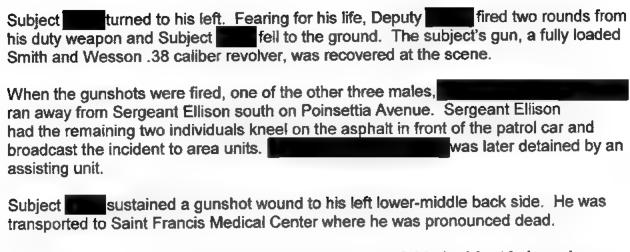
SUPPLEMENT AL NON-EMPLOYEF WITNESSES Los Angeles County Sheriff's Department

Page 5 of 5 Non-Employee Witnesses First Name Last Name M/21Home Ph Zip Code Work Ph Street Address on file at Homicide First Name Home Ph Street Address on file at Hornicide Zip Code Work Ph First Name Last Name F/42 Home Ph Street Address on file at Homicide Zip Code Work Ph Last Name F/22 Home Ph Zip Code Work Ph Street Address MI First Name Last Name F/25 Home Ph Work Ph Zip Code Street Address First Name Last Name F/20 Home Ph Zip Code Work Ph Street Address Last Name M/12 Zip Code Work Ph Home Ph Street Address M i **First Name** Last /Tamis Zip Code Home Ph Work Ph Post Without St Last Name First Name F/21 Home Ph Zip Code Work Ph Street Address First Name Last Name Zip Code Work Ph Home Ph Street Address M.I First Name Last Name Home Ph Zip Code Work Ph Street Address M.I First Name Last Name Home Ph Zip Code Work Ph Street Address First Name MI. Last Name Home Ph Zip Code Work Ph Street Address First Name Last Name Home Ph Zip Code Work Ph Street Address MI First Name Last Name Home Ph Street Address Zip Code Work Ph First Name Last Name Home Ph Zip Code Work Ph Street Address

INVESTIGATIVE SUMMARY DEPUTY INVOLVED HIT SHOOTING IAB CASE NUMBER SH2246245 URN #009-11047-2843-013

On July 5, 2009, at approximately 1630 hours, Sergeants David Bly and Diana Gealta along with Lieutenant Mike Grimalda responded to 1300 East Alondra Blvd, Compton, regarding a deputy involved hit shooting involving personnel from OSS/GET. Homicide Investigators Jeffrey Cochran and Steven Blagg responded to conduct the criminal investigation.

investigation.
On July 5, 2009, at approximately 1540 hours, Deputy and Sergeant Dana Ellison, were working as a gang enforcement unit in the Compton Station area. They were stopped in their unmarked, but emergency equipped, patrol car facing north on Poinsettia Avenue at Alondra Boulevard in the city of Compton. Sergeant Ellison was driving and Deputy was the passenger.
While stopped at the intersection, they observed Subject MB/17, and MB/17, walking west on the south sidewalk of Alondra Boulevard approaching their location in the intersection. Sergeant Ellison and Deputy noted that the four individuals appeared to be local street gang members based upon their manner of dress, gait, and gesture. As the individuals passed by the front of the patrol car and continued west through the intersection, Sergeant Ellison called out to them and asked that they return to the area of the patrol car. Three of them immediately stopped and walked toward the patrol car, while Subject he individuals approached, Sergeant Subject to return to the car, and he did. As the individuals approached, Sergeant Ellison observed Subject use both hands to roll up the bottom of his shirt just above his waistband and grip the butt of a gun concealed there. Sergeant Ellison believed this action might have been an attempt to obscure the gun butt from his view. Subject then let his shirt fall back down, covering his waistband.
At first Subject walked toward the front of the patrol car, he then suddenly ran away east on the south sidewalk of Alondra Boulevard. Deputy followed Subject and Sergeant Ellison moved to the front of the car to maintain visual contact with Deputy and to maintain control of the other three individuals.
As Subject was running, Deputy saw him remove a handgun from his waistband. Subject ran northeast onto Alondra Boulevard approximately 80-85 feet east of Poinsettia Avenue. When Subject reached the middle of the eastbound lanes, he turned to his left, toward Deputy who was positioned on the south sidewalk, south-southwest of Subject position. Deputy saw the handgun in Subject left hand, and saw left arm turning toward him as



IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, Homicide investigator's observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved employee and witnesses. (Refer to Exhibits A through E)

IAB Note: IAB Lieutenant Mike Grimaldi checked to see that the Watch Commander, Leonard McCary, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, in addition, IAB Lieutenant Mike Grimaldi checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL

Deputy Sheriff, # Field Operations Region I!
OSS/GET

Work History

Date of Employment
Date Assigned to Patrol
Date Completed Patrol Training
Prior Shooting Incidents
Prior Founded Force Incidents



SUBJECT

	MB/16, DOB:	deceased
Subject	Consolidated Cr	iminal history Report (CCHRS)
		was on juvenile probation for 243.2(a) P.C. at the
time of the sho	ooting.	

IAB Note: See to Exhibit "A" pages 100-112 for further information.

SWORN WITNESSES

Ellison, Dana, Sergeant, #_______
Field Operations Region II
OSS/GET

CIVILIAN WITNESSES

Address and phone number on file at Homicide

M/17

Address and phone number on file at Homicide

M/17

Address and phone number on file at Homicide

M/21

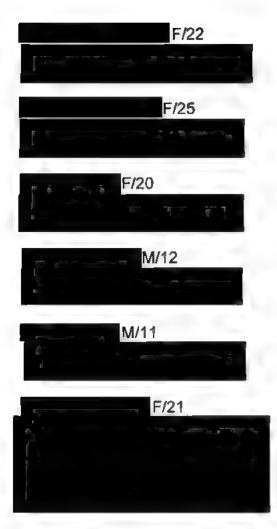
Address and phone number on file at Homicide

M/8

Address and phone number on file at Homicide

F/42

Address and phone number on file at Homicide



SUBJECT INJURIES

Subject was treated at the scene by City of Compton Fire Engine #42 under the command of Captain Perez. Subject was subsequently, transported via ambulance to Saint Frances Hospital, 3630 East Imperial Highway Lynwood (310) 900-8900, where he was treated for a gunshot wound. Doctor Jones pronounced Subject dead at 1605 hours.

IAB Note: See Exhibit "A", page 88, for supplemental report authored by Deputy Luzzi.

DEPUTY INJURIES

A small laceration on Deputy left thumb and his left thumb nail lifted from the nail bed. The injury occurred during the shooting.

PHYSICAL EVIDENCE

The following items of evidence were collected from the shooting scene.

		IAB Note: See Exhibit "A", pages 145 and 146 for crime scene diagram and evidence list. See pages 147 and 148 for a supplemental report authored by CSI Rowles					
Item	8	(1) Smith and Wesson revolver with an obliterated serial number.					
Item	7	(1) Bullet fragment.					
Item	6	(2) One dollar, U.S. currency bills.					
Item	5	(1) T-Mobile "Side Kick" cellular phone.					
Item	4	(1) Brown shirt.					
Item	3	(1) Pair brown/tan "Vans" gyn shoes and (1) pair gray socks.					
Item	2	Expended cartridge case.					
Item	1	Expended cartridge case					

IAB Note: See Exhibit "A" page 153 where it is documented no latent prints were developed from the recovered handgun (Item-8).

IAB Note: See Exhibit "A" Pages 154-156 where it is documented a complete DNA test was not conducted on the recovered handgun (Item-8) because of a lack of DNA substance recovered from the gun.

INVESTIGATORS OBSERVATIONS

The physical evidence at the shooting scene appeared to be consistent with security video, witnesses statements, Sergeant Ellison's statement and Deputy statements.

for further information.

A review of the radio dispatch tapes revealed the following:

Dispatch-9

1543 hours: OSS Sam-2 (Sergeant Ellison) advised 998 at Poinsettia and

Alondra. He stated one Subject down, two Subjects being

detained, and one Subject running south. Units 290N17 and 283B2

responding. Sergeant advised the outstanding Subject's

description.

1544 hours: Sergeant Ellison requested 902R, advised the Subject's handgun

was recovered, and started to set up a containment/traffic control.

1554 hours: Air-8 responding in two minutes.

1546 hours: 280L Requested an unit to set up a containment and for another

SAM unit to respond to the scene.

1547 hours: Unknown unit advised they had the outstanding Subject detained.

IAB Note: See Exhibit "E" for a compact disk containing recordings of the radio traffic.

A review of security video of the front exterior (camera #8) and west facing interior/exterior (camera #5) of the building revealed the following:

Camera #8

1539 hours 32 seconds: Subject and his three friends are seen walking

westbound on the south sidewalk of Alondra Blvd.

1540 hours 06 seconds: Subject is holding a gun in his left hand running

eastbound on the south sidewalk of Alondra Blvd.

1540 hours 07 seconds: Deputy is holding his weapon with both hands

following Subject

1540 hours 08 seconds: Deputy is pointing his weapon in a northeast

direction toward Alondra Blvd.

1540 hours 10 seconds: Deputy lower legs only are seen in the video

frame.

1540 hours 50 seconds: Sergeant Ellison is walking eastbound in the middle of

Alondra Blvd.

1541 hours 12 seconds Sergeant Ellison is walking westbound in the middle

of Alondra Blvd and appears to be talking on his hand

held radio.

Camera #5

1539 hours 44 seconds: Sergeant Ellison and Deputy drive up to and stop, northbound Poinsetta at Alondra Blvd. exited the car and walked around the 1539 hours 58 seconds: Deputy | vehicle to the driver's side and out of view. is running southbound on Poinsetta 1540 hours 07 seconds: Ave and out of view. The above times were taken from security video. According to time stamp, the whole incident, from the time deputies contacted the males until the shooting occurred, took approximately 38 seconds. IAB Note: See Exhibit "D" for a DVD containing security video (8 different camera positions) and still photos from camera #8. Los Angeles County Coroner's Autopsy Report documented Subject suffered one gunshot wound. The gunshot round entered Subject left, lower-middle back side and came to rest in his upper-right front chest area. The round traveled from left to right, back to front, and upward (see autopsy diagram in Exhibit "A" page 120 for further information). The entry of the gunshot round and the direction of travel, would be consistent with being shot as he turned to his left to face Deputy The autopsy findings were documented under report #2009-04643, by Deputy Medical Examiner, Solomon L. Riley, JR., M.D. IAB Note: See Exhibit "A" pages 114-132, Autopsy Report, for further information. WEAPON USED BY DEPUTY PERSONNEL Deputy Sheriff Service Weapon: Department authorized/issued Beretta 9mm, Model 92F, semiautomatic pistol, with "Sure Fire" tactical light attached to the frame and a "Crimson Trace" laser attached to the grip serial number BER Ammunition: Luger, 9mm, two rounds fired with fourteen rounds left in weapon. Shell Casings: A total of two expended shell casings were found at the shooting scene near where Deputy reported shooting from.

Date	last	qualified:	
-		qualificat	

IAB Note: See Exhibit "A" page 160 where it is documented Deputy pistol was found to be functional with no documented irregularities.

WEAPON USED BY SUBJECT

Loaded (6 rounds) Smith and Wesson .38 caliber revolver, obliterated serial number.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

None

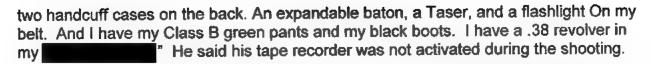
LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours. The weather was warm and clear.

INVOLVED DEPUTY STATEMENTS

Deputy said he has been a Deputy Sheriff for seven years with five years patrol experince and working on a OSS/GET team over the last year. He said he started his shift at said and was working with Sergeant Ellison, unit OSS-Sam-2. He said Sergeant Ellison was the driver and he was the passenger.

Deputy described the uniform he was wearing at the time of the shooting. He said, "I have a green outer vest, which has Sheriff's patch on it. My last name. I have a radio attached to my vest. I have a Sheriff's star on my left shoulder, on my left chest area. I have a tape recorder. I have two extra magazines. Two pouches which contain documentation stuff, a booklet. I have a pencil, pen, and eraser. Handcuff key. Underneath my vest I have my Class B uniform, which has Los Angeles County Sheriff patches on both sides. My Sheriff's star is visible a little bit from the side of my vest, and additional one. I'm wearing a full duty belt. I have pepper spray on my right side followed by a key keepers. I have a drop-down leg holster which carries my 9-millimeter Department-issue Beretta. I have a Leatherman tool right after that. I have



Deputy described the unmarked vehicle they were using. He said, "A titanium or gray, dark grayish Detective Bureau car with no light bar on top. No markings. It, it does have a forward facing red light in the middle. And in the grill. I don't know if it's got one or two lights. But it has lighting equipment on it. And the back has a blue, and either a red or an amber light. It has spotlights on it. And it's equipped with a siren. And it has a, an MDT."

Deputy said he and Sergeant Ellison never worked together as partners before. He said he and Sergeant Ellison did not have a prior conversation about tactics during a stressful situation or what each of them expected from each other when confronting suspects. He said he did not think there was a need for them to have that type of conversation. He said, "The reason being is we both worked ghetto areas. We both know how to -- how to deal with these guys. We both know he -- I know he knows how the policy goes. He knows I know how policy goes. The comfort level is there even though we never worked together, he supervised me for a good part of the time. Not as a direct supervisor but he's been involved in a lot of the things I do. He knows that I have a working knowledge of what to do and how to act. I won't do anything foolish. And it wasn't -- it's like, it was like there's no need to tell him what, you know, what we were gonna do because it's almost understood, you know? If a guy takes off running, see what's up. If he's got a containment, we're gonna set up a containment. It's just, you know, it's -- it's just the way it is. If you can't catch him in a certain amount of time, you know, it's just common knowledge between, I guess, you know? There's no need for us to sit there and -- the trust is there."

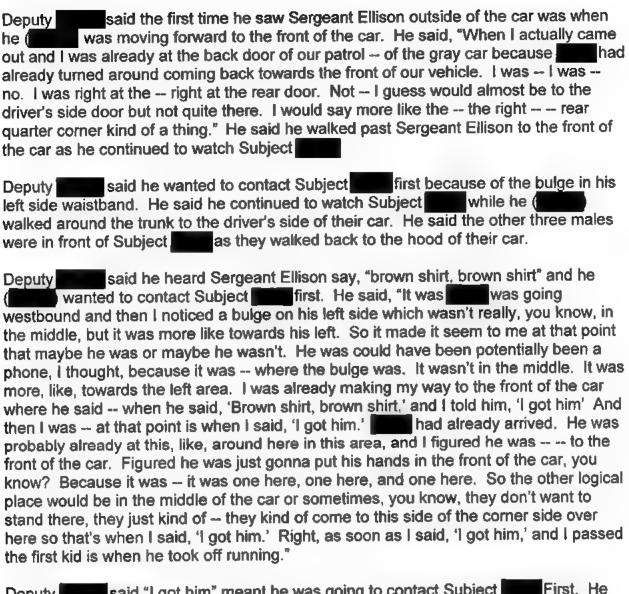
Deputy said he was not that familiar with the Compton area and Sergeant Ellison was showing him the city. He said, "We were...Sergeant Ellison was showing me some of the spots where South Side Crips hangs out, as I'm not too familiar with the area of Compton. I worked Century most of my time, so at the beginning of shift, I said, 'you know, it's gonna be a learning experience for me.' And he was showing me the spots where these guys hang out. We were coming northbound on Poinsettia approaching Alondra. And the light, I saw the light turned green for us. Sergeant Ellison was gonna continue to go. I don't know if he was gonna go straight. But he came, kind of came to, you know, slow down because he was, he was gonna stop. I saw, I was looking ahead. I saw four kids, four young males step off the curb, kind of continued going, and then take like, like a double look. Probably, in my opinion, realized that we weren't just a regular car, that we were Deputy Sheriffs, and stepped right back up to the curb. At that time, Sergeant Ellison had already stopped his car. The kids went in front of us. And they were walking. They were on the south side of Alondra going westbound."

said his attention was drawn to Subject because had a bulge under Deputy his shirt. He said, "As the kids cross, cross in front of us, I notice three kids and, and a kid with a brown shirt (Subject which was closer to Alondra Boulevard. He was in a, he was in the sidewalk. He was further, he was out the most. Sergeant Ellison called the kids, 'hey, youngsters, you know, come here.' Of course they had, you know, just crossed in front of us on a green light. Three of the kids immediately turned around. The fourth kid kind of looked in our direction and continued to walk westbound. Sergeant Ellison told him 'hey, you too, come here', at which time I exited the patrol car or the, the vehicle, and went towards the back, thinking this guy was gonna, you know, potentially take off running. So I came out to the back, and as I came to where the trunk is, I'm looking at him. He turned around. He looked at me. And he started to walk back towards the car. As he's walking back towards the car, as he turned around, I noticed a bulge on his left side. My first impression was this guy's got a....on the left side of...not, not in the front, but more like on his hip area. And my first impression was, he has a Sidekick, because most of these guys carry Sidekicks. They don't carry regular flip phones. They have Sidekicks."

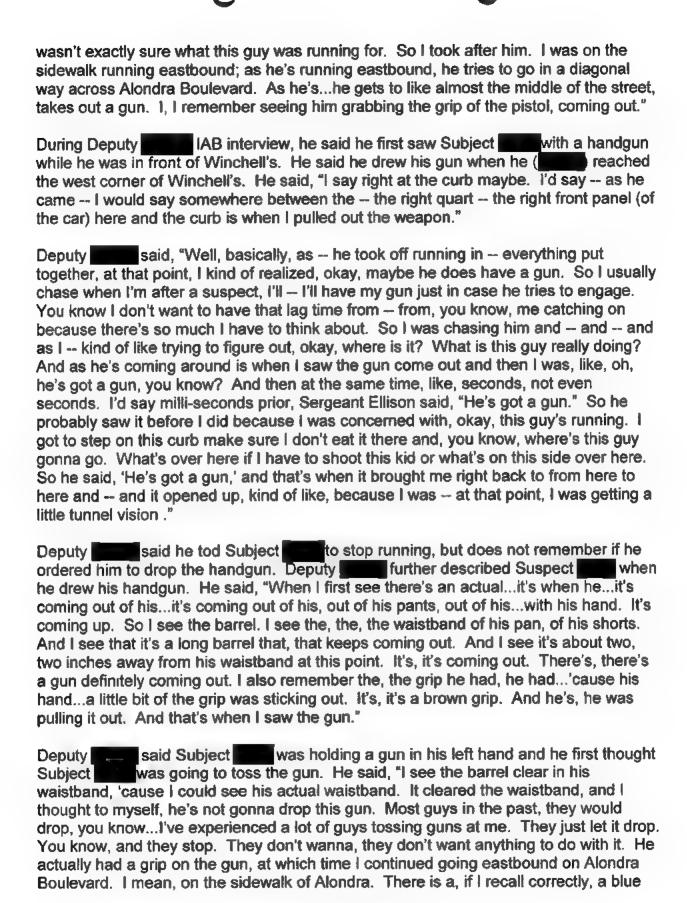
IAB Note: A Sidekick is a cell phone from T-Mobile, which is a little larger than a regular cell phone and the Sidekick is marketed toward people who frequently text message.

said he thought it was tactically better for him to approach the males from the rear-driver's side of their car rather than moving to the front of the car from the passenger side. He said, "If he was gonna take off running where he was from, he could go either -- one of two ways. He could either go southbound or he could go westbound. So I figure if I come over here, I already have the point of advantage coming -- try to cut him off southbound. Because at this point, he hadn't really noticed where I was at. So if I came here he already had the point of advantage he was gonna come southbound, I was gonna cut him off. Versus me coming around the front of the car and having to actually chase him if he try to take off westbound, I was gonna be behind him already with -- with, you know, some lag time or if he went southbound, I would still be behind him with some lag time. So I figure if I come up this way I could --I came around pretty quick so I could either cut him off right here or actually take an angle and cut him off up here. So in my opinion, it was tactical for me to be there while these guys were here and just in case also if something happened with these three guys and if Dana would have to shoot, I wasn't gonna be in the line of fire for him engaging these guys."

Deputy said he did not order the males to lift their shirts up and he did not hear Sergeant Ellison tell them to lift their shirts. Deputy said at some point, while he was moving around their car toward the males, he heard Sergeant Ellison yell, "he has a gun." Deputy said he did not know to whom Sergeant Ellison was referring to.



Deputy said "I got him" meant he was going to contact Subject First. He said he did not say anything else to Sergeant Ellison. He said, "It's a combination of Sergeant Ellison calling him and me, you know, walking out. He starts walking towards the car. The three, behind the other three kids. The first kid gets, take a...he places his hands closer to the driver side door. The second kid a little bit further out. The third kid, right about where the, the turn signal (driver side) would be. Which, which, it's normal for these guys to do. To do that. They'll kind of just setup. And the fourth one usually will either go in the middle, or go to the other side which is what I thought this, this kid was gonna do. I mean, aside from the bulge, everything seemed normal. He continued to walk, but he kept looking at me. And as, as he continued to walk, he passed the push bars of the car, and he started to walk towards the car, like he was gonna put his hands. It wasn't until I passed the first kid...I, I continue going...as I'm coming around here, now I'm walking towards the, to the front, to the driver's side. So I'm more on the, the left side of the vehicle. I passed the first kid. And it's at that point where I believe he probably realized, okay, 'I'm gonna get searched first', that he took off running. I



newspaper rack that is there. I'm running in that direction in case, you know, I'm gonna be engaged, which now at this point, I'm thinking, okay, there's gonna a, a gun fight here. This happened in a matter of seconds. He turns. He looks at me again. And, and at this time, I'm thinking, okay, you know, he's got his gun. And I saw the muzzle. I'm thinking he's not...it hasn't hit the ground yet. It's still in his hand. He turns around, and I was fearing for my life. I fired two rounds. As I hit, as I hit the, the, the, the mid, the news rack...I hit it with my hand, and I peeled my, my nail back of the, you know, my, my left thumb. And as I fired two rounds, I saw the suspect fall forward, and then he rolled on his back. I took about two steps towards him. And I told him not to move. He put his hands up. And I couldn't see the gun anymore. As I, as I took a better...as I took a better position, I saw the muzzle of his gun was under his shirt on his right side."

Deputy said he saw Subject turn to his left, toward him, at the same time raising the barrel of the gun. He said, "He had a grip on it, and the, the muzzle was, was originally facing down. And then it came up. It wasn't, it wasn't, it wasn't any longer facing down. It wasn't, It didn't, it didn't just drop. It came up higher, which led me to believe that he was gonna fire, fire at me. He was intending to engage me. And you know, he wanted to shoot it out. Because he didn't drop it. He had this much clearance from his waistband. He could have, it could have just dropped, and it didn't drop. I remember thinking to myself, that gun hasn't hit the ground yet. And in a split second, I, I looked past him to see who was behind, who was in front of him. There was no cars coming at the time. There's, there's a white building back there and a driveway. I remember seeing a driveway and there was nobody there. And then I, I still hadn't, hadn't heard the clink of a gun hit the ground. I didn't see him throw the gun on the ground. And as I, as I looked up, the gun wasn't...it was still in his hand. And that's when I fired the two rounds."

Deputy said he held his gun in his right hand and used his front sight during the shooting. He said he used a blue metal newspaper rack as concealment/cover. He said, "I was, I was trying to more or less brace myself, 'cause I knew I was going towards it for, for concealment, taking concealment and coverage. However, I lost sight of where I was once I saw the gun, and now I had to...I, I lost sight of this thing when I, when I acquired the target, and the drop, the backdrop. So I was just kind of feeling my way. And that's when I impacted the....I, I, I...when I hit it, I, I first hit...this is the first part of my, my hand that collided with, with the blue metal. My nail got lifted. I have a, a small laceration in the middle of my thumb. And what they call an evulsion to my nail. So my nail got lifted from the nail bed. My left thumb. I hit that first. I don't know, I don't know what part of the box I impacted. And then I felt the actual box hit my hand. And half of it hit my body as well."

During his IAB interview Deputy said he had previously seen the security video of Subject and him following him on "Youtube." Deputy said he thought he had used the blue news paper rack as cover/concealment when he shot at Subject However, after seeing the security video he said he fired his weapon while tracking Subject and taking a firing stance at the edge of the curb in front of the news rack.

IAB Note: See Exhibit "D" page 2, picture #6, for a picture of Deputy taking a combat shooting stance.

Deputy said as quoted from his IAB transcribed interview:

Bly: And I think you told Homicide that you fired in a one-handed position?

: Yes.

Bly: You did see the tape, though, where you were tracking him. Or following

him and you were in a moving combat stance with holding with two hands.

Is that the best way to describe it?

: Right, yes.

Bly: And you also told Homicide that you made it to a kind of like a blue

newspaper rack type thing.

: Right.

Bly: Is that where you fired from?

No. Actually, I fired from here.

Bly: And you're looking at a black-and-white photo that I printed out so you're

kind of pointing where?

Pointing right -- right around this area right here.

Bly: So you saw the video?

I did.

Bly: in the video, had -- you can't really tell you shooting in the video. Can't tell

when you shot. But in that video where you ended up where you kind of

hesitate a little bit and stop. Is that where you fired from?

Yes. Right -- right where the -- if -- in the video, which I saw, I saw the video myself. Once -- once I fired from this area right here and that's exactly where -- where kind of to get a better platform and make sure the that I don't go busting rounds somewhere else behind the kid, that's

where I broke the fire from.

Bly:

In the video you kind of, you're tracking the guy and then you slow down and — and then it looks like you took a couple steps and went off the curb. So that, when you slow down, is that where you fired from?

Yes.

Bly:

You did injure your thumb and you thought that you injured your thumb on this rack?

I did because all I could see as we were running, I could see this thing being huge. And I didn't — it wasn't until I saw the picture and in the video that I saw how far away from where I actually was this thing was. The reason was being if — I don't know if you look back in the video, I try to take — duck behind this thing because it's where he first turns around with the gun. And then we make it this far when he turns around the second time. So this thing, to me, it — it was humongous and — and it actually seems like I actually hit it. And I recall hitting it, but in the video, it doesn't show that. And I have an injury and I had no idea how that happened. So the only way I could attribute it was to that because I was — as I'm firing, I'm trying to do this because I'm thinking, okay, I'm gonna feel the — I'm gonna feel this blue thing just smack into me right now. And because I hit this —

Bly: So you -- just for the tape, you described that you originally had both

hands on the gun.

Right.

Bly: But then you moved your left hand under the gun.

: Right.

Bly: To feel for something?

: Right.

Bly: Did -- did you ever make it over this blue rack?

I -- I'd -- I -- might have stand in front of it maybe. I don't -- I don't -- I mean, this is coming out from -- from the video itself. My recollection is I actually impacted with it because it just felt that way. But from the video, it doesn't show that that's what happened so I don't know, you know? And then I took up a position here. I stepped back -- I took up a position here because where he fell, he fell face-down with the weapon underneath him and then he rolled over. And then I thought he still had his gun because he put his hands up and I thought the gun might have got over into this little bush to, this little area right here.

Bly:	It's like a little island with some bushes on it or shrubbery. Is that what you're talking about?
	Right.
Bly:	So is it possible maybe your the slide hit your thumb while you were moving your hand?
	It it could have been. I mean, I would have I would have felt more than
Bly:	Yeah.
	than that if that was the case. It would have bitten a little bit harder, but I don't know.
Bly:	And this is just this is your best memory and your best estimate on right now you're kind of unclear on how you injured your thumb, I guess.
	Yes.
Deputy said he continued to cover Subject while Sergeant Ellison approached Subject and recovered his handgun. He said, "The suspect goes to the ground. I remember him coming face first. And then he rolled. And as he rolled, he landed face first with his hands tucked underneath him. So that's when I gave him commands not to move. And he rolled to hishe rolled to his left. And put his handsoh, hewhen he rolled, his hands just came up automatically, like this, on top of his, like to his sides. Iinstead of havingwhere I waswhere I, where I last engaged him, 'cause I took two steps forward, I took two, like a few steps to the left. One, to try to see where his gun went. My, my first impression was, the weapon was over his head. Where his hands were at. So I took two steps to the left to see if I could see the gun on that side. 'Cause I knew clearly it wasn't on the, on the left side of him. Or if I'm facing him, it would be on the right. So I took two steps to my left, andto see if I could see the gun. And I couldn't see it. Sergeant Ellison put out radio traffic of the 998. I kept giving the guy commands not to move. Sergeant Ellison came up to him, and lifted up his shirt, trying to see if he could find the gun. And he recovered the gun from the suspect, from, fromit, it appeared like it was underneath him, but he was laying or half laying on it."	
	said he saw Sergeant Ellison recover Subject handgun. He said, where between, between his waist and his arm pit, in the middle."
Deputy said he did not see any blood on Subject but could recognize he was injured. He said he could hear him breathing and they talked to him until paramedics arrived. He said, as quoted from his IAB transcribed interview:	

I originally, I didn't. I didn't see anything so I gave him commands to stop moving. I told him to show me his hands, to stop moving, and it was at the point where I got -- I -- I was covering him and just the way he was breathing, based on my previous jobs I used to be as an EMT, I could call -- I could recognize that as --

Bly: He was -

: -- air he was under --

Bly: -- he was in distress --

Yes.

Bly: -- looking?

So it's when the radio traffic had already gone out. I put radio traffic again even though I heard it, I put it out again. We need a 902R for the suspect. I remember Sergeant Ellison say, you know, we need to get this kid get some help. And I just remembered looking at him and looking at his -- at his respiration that he was really -- so I figure, okay, he must have got hit or really scared because I really couldn't see any blood. I couldn't see any blood. And then, you know, after that, the paramedics showed up and the first units arrived and it's --

Bly: Prior to paramedics showing up, did anybody try to render aid to this guy or make him comfortable or anything --

: We --

Bly: -- talk to him?

-- we -- we were -- we were talking to him. Sergeant Ellison was talking to him. I was -- I was talking to him and it was, like, you know, we actually told him, you know, "Just hang in there, dude," and then that was -- that was -- that was as far as I would say when, you know, he was -- he was gasping for air and, you know, we made sure that he didn't have any guns at that point and there wasn't really any, you know?

Bly: So were you just there to make sure he was still breathing and --

Yes.

Bly: – and you didn't see any blood anywhere?

: I didn't.



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IAB Note: See all three of Deputy transcribed interviews for further information.

SWORN WITNESS STATEMENTS

Sergeant Dana Ellison, # OSS/GET, was interviewed on July 5, 2006 by Homicide Detectives. The interview took place at Compton Station and was recorded for review. Also, present during the interview were IAB investigator Sergeant David Bly and Deputy District Attorney Renee Cartaya. The following is a summary of that interview. Sergeant Ellison said he was working on July 5, 2009, hours, as unit "OSS-" He said he was the driver of an unmarked patrol vehicle. He said the vehicle had two spot lights on each side and was equipped with emergency lights and siren. He said he had a partner, Deputy Sergeant Ellison said he has been assigned as an OSS sergeant for approximately two years and had a total of approximately 19 years experience in Operation Safe Streets/Gang Enforcement Team unit. Sergeant Ellison said, even though, he has known Deputy as member of OSS/GET, the day of the shooting was the first time they worked together as partners. He said Deputy was not that familiar with the Compton area. Sergeant Ellison said, "Basically, the kid I'm working with...I'd never worked with him before. I don't... haven't really talked to him much. So I didn't really know him. But we get in the car today, and he tells me that he doesn't really work Compton too much. He pretty much, when they have us assigned, pretty much lately, for the most part, in GET Army configuration, they have us assigned either to a trailer. And the trailer is either parked over here at Gonzales Park or up at 118th and Wilmington in a vacant lot. And pretty much, we work Compton-Century areas. And he was saying that he pretty much likes to just stay in the Century area. So he was unfamiliar with Compton. So I was taking the...taking my time showing him the areas of...first we went down here to the ATF area. And then we moved over to Southside Crip area. And we'd gone through the area. We saw a few people here and there. But as we were leaving that area, and I was trying to explain all the ins and outs...I forgot to show him a couple of streets where these guys are stacked up sometimes. So I went down Poinsettia southbound from Alondra, and I showed him the two streets, Marcelle and, and Tishner. And I explained that a lot of times, they have parties deep in these cul-de-sacs here. And you come in and they usually run to the north. Ya-da-ya-da-ya-da. So...we turn around and get out of there. And we're coming northbound on Poinsettia. And I'm stopped there at Alondra and Poinsettia when I see these four juveniles walk past the front end of my radio car." Sergeant Ellison said he observed the four juveniles and decided he wanted to contact them because they looked as though they could be gang members and because of their demeanor. He said, "They pass right in front of me. I'm the driver. passenger. And as I'm looking at them, I'm sizing them up and I'm going, yeah, you know, they're young, but they look like they could be gang bangers, and...but the one

thing I see is one of the dark, darker complected ones...I see his face. And I see him going like, psst, psst, out of the side of his mouth. And I can't hear what he's saying, but...and I'm also seeing that the two, and the, the two that stayed...I forget their names...but the two, the in individuals that stayed, they were looking out of the side of their eyes. They're looking at me, looking back at each other, and I'm going, they look like they're up to something. So they get past me. And I'm still thinking about them. And I'm still looking at them. And then finally I say, well, and I tell them, I go, 'hey, hey kids, come back over here and let's check for guns.' So they do. They, they stopped and they turn around. They start walking towards me. Except for the kid in the brown shirt (Subject The kid in the brown shirt...he takes a step or two more, and then he...I think he had stepped out of the car by now, and standing in the, in the open door." Sergeant Ellison said he was still seated in the driver's seat as he ordered the males, through his open window, to return to his vehicle. He said he believed he also heard Deputy talking to Subject (brown shirt), saying something as to, "That means you too, or something like that, I don't know." Sergeant Ellison said he was seated in the driver's seat as he watched the males walk back to the car. He said, "I'm not out of the car. Okay. But I'm watching these kids come back. And the kid with the brown shirt...he comes right up to me. He becomes the one closest to me. And I'm almost, probably like from me to you now. Just, just like if I could, I could have probably done this (reached out motion) and touched him. So I'm sitting there, and I'm looking at him. And he comes up to the car, and he's looking straight across the hood. And he goes, and he pulls up...he takes his right hand and he rolls it up his waist. And as he does, he takes his shirt up with it, and I see that he...there's a gun, and he puts his hand on the gun. With his right hand he rolls that shirt up, pulls it up, grabs a gun, holds onto the gun for about a one count. And then he lets it (shirt) go and lets it fall back down. Well, by this time, we let six coming around the car behind me. Now about as soon as he lets that hand fall off the gun, about another one count goes by, and then he starts taking off around the car." Sergeant Ellison said the other three males who Sergeant Ellison refereed to as "yellow pants") moved directly to the hood of his car, but Subject continued walking east, passing the Sergeant Ellison said he did not have his weapon drawn prior to or after he saw the gun in Subject waist band. He said he was exiting the car at the same time Deputy was making his way to the hood of the car from the rear. He said Deputy moved from the rear of the car to the front, on the driver's side of the vehicle. He said, passing me. I'm getting out of the car. And I say to getting. I go, 'brown shirt, brown shirt', so that he's aware to get him. Okay. And he goes. is in front of me. I'm behind And I can see that the kid's looking at looking at the kid. And I, I can't remember if says something to him or not. But then the kid turns and he takes off. He goes from our car to the sidewalk in front of the Winchell's and about a couple of steps after he gets to the sidewalk, he pulls the gun out of his pants."

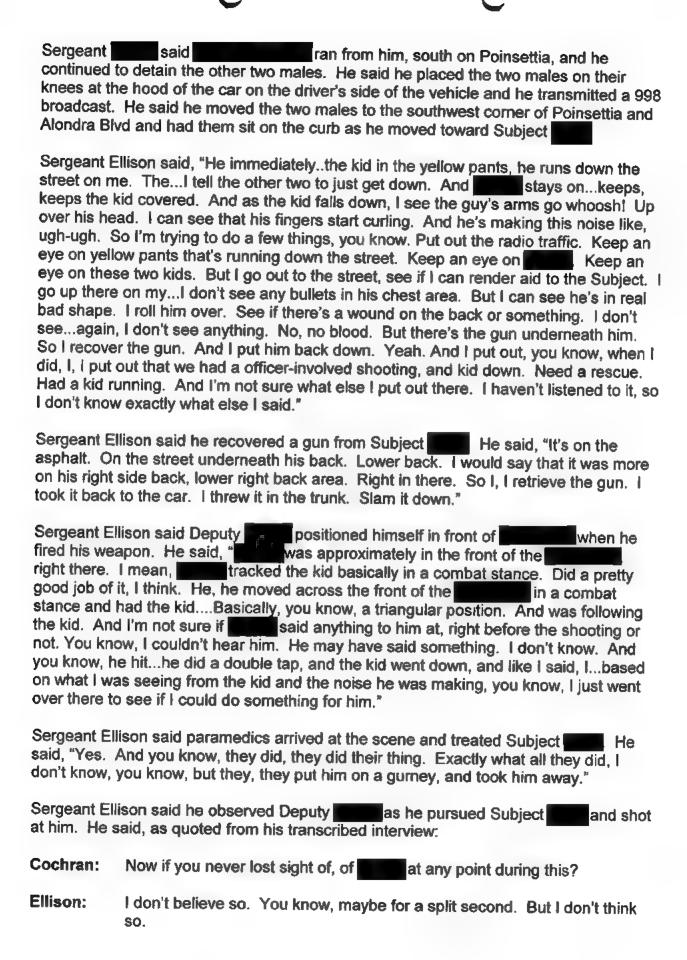
heard Sergeant Ellison say, "He has a gun", but he did not know whom he was referring too. Sergeant Ellison said he detained the other three males at the hood of his car as he watched Deputy pursue Subject Sergeant Ellison said Subject ran eastbound onto the south side sidewalk and Deputy ran after him. He said, "He's running. He running, and he pulls the gun out. And he runs a little bit in front of the And And And follows him. And the kid then goes out into the street in about a northeasterly direction. And the kid's in a combat stance at this time, pointing his gun at the kid. The kid gets out to about the, whatever that was, the number 1 lane, and he just...he turns around. He turns, he turns with his right hand, comes around. So he faces, comes...! don't know...turns westbound. He...well, it's actually like a left turn. And he turns to the left." Sergeant E<u>llison</u> said he saw Subject holding a gun with his right hand. He said as Subject turned to his left, Subject has his right arm extended out. IAB Note: Deputy stated Subject was holding the gun in his left hand. Also, See Exhibit "D" for a still photo taken from the security tape from depicting Subject holding a gun in his left hand as he ran passed the doughnut shop. Additionally, See Exhibit "D" for a DVD containing the security video and additional still photos. Sergeant Ellison said as Subject was turning to face Deputy he saw Deputy shoot at Subject He said, "He's (Subject got gun in hand now. And he turns around. And he faces had And he's got the gun about like, like so. It's about, yeah. At about, I don't know. You know, if this is 90...45, 60 degrees, you know. And he was in the process of moving when shoots two times. Hits the kid. And the kid goes down." IAB Note: The distance from the hood of car, to the reported position where Deputy shot at Subject is approximately 55 feet. The distance from Deputy reported position to where Subject fell is approximately 28 feet. The distance from the hood of the car to where Subject Fell is approximately 80-85 feet. The distances are all approximate and were measured with a Roll-A-Tape by

IAB Note: Deputy told Homicide investigators, he

calculation.

IAB Sergeant David Bly. Exhibit "A" page 145 "crime

scene sketch" was also reviewed and used for



Cochran: Okay.

Ellison: You know, it was...you gotta realize though, I did have to look down the

street at yellow pants that was running down there, so

Cochran: So you're, you're splitting your attention?

Ellison: Yeah. Now...but I don't think yellow pants ran away until after the shot.

Sergeant Ellison further described the four male's demeanor and why he detained them He said, "No, it wasn't him (Subject 1998). It wasn't him. It was one of the other two. I think the one in the blue shirt. He was talking. It was one of the dark complected kids. I remember brown shirt, he had a very stoic look on his face, like you know, like, 'oh, shit.' Kind of a look. But he wasn't the one that was doing the eyes or the move, talking of the mouth. It was one of the other ones. Brown shirt, he's just kind of like trying to be focused and look straight ahead, and, and not, not turn his head or anything. You know. I know it's, it's kind of difficult to explain. But you know, it's, it's stuff that you learn as a police officer out in the streets, you know. To look for movement. Sometimes movement can be very obvious. Like the guy just break and run and pull a gun out of his pants and throw it, you know. Or sometimes it can be very subtle. You know. And subtle facial movements, like they were making. It's an indicator, you know. It could be nothing. It could have been that they might have had a bag of weed. It could have been, you know, I'm a runaway, you know. But you don't know. You know. But it, it's usually movement of some sort as an indicator of guilt, whether it's, you know, very obvious or subtle. But the subtle face, facial movements that the kids were making, it did indicate that something was going on there. They did look like gang bangers to me. So I thought, well, you know, we are the Gang Enforcement Team, and one of our duties is to, you know, check on these kids and, you know, see if they're doing...They were looking at basically the, the direction of the car and each other. It was like, oh, shit, it's the cops. That's how I, I took it."

Sergaent Ellison said he saw Deputy had injured his thumb. He said, "After the shooting, I saw that he kept flicking his thumb. He injured his thumb. I asked him how he did it. He said that when he was trying to take cover, he must have injured it on the newspaper machine or something. I don't you know. The other thing he said to me, and he said that he saw the gun from wherever he was when he was moving around the side of the car too. So other than that, that's really, you know, I just asked him, poor fellow, you know, are you okay. Other than that, you know, how you doing? Blahblah-blah. Actually, I know it's...I, I think all in all, he did a pretty good job. Actually, he, he seemed pretty, pretty professional and, you know, I didn't, you know, I have to give him his props for, you know, a guy like, gets involved in a shooting, you know, he might be all over the place. But he, he was, stayed on course. Stayed, kept cover. He didn't allow his attention to be diverted anywhere. You know, when I approached the kid to see if I could render some aid, he also approached, you know. I, I don't...I don't have any problem with anything I saw him do. You know, it's a tough call, that he was, you know, when you, you got a guy spinning around with a gun in your hand, and that, the way it was going and how he was moving, you know...a nano second later, who knows?"

Sergeant Ellison further described when he first saw Subject with the handgun. He said, as quoted from his transcribed interview:

Cochran: I, I do have one more question. You had mentioned at one point that you

would have shot yourself.

Ellison: I don't know if I said that. I said it's, it's...that's a tough call for that, that

guy to be You know. You don't know. Do you hold? Do you hold for that last nano second, or do you just, you know, do you shoot? Now you know, in this GET configuration and, and this stuff, you know, they expect us to go out and talk to these guys and deal with these guys and getting guns off these guys is, is a way of...it's just part of our job description really. May not be in a big book somewhere, but that's basically, you know, they...every week they wanna know how many arrests we're making, how many guns we're seizing. So you know, basically here we are in Compton and, you know, lots of gang bangers. Lots of shooting. And you know, there's lots of gun activity out here. But you know, I can't sit here and say would I or wouldn't I. I don't know. That's a real tough one to call, 'cause that gun is coming around on him,

and....

Cochran: Really. And I wanna stand corrected. You never did say that you would

have shot yourself. But I think what you did say is, you thought about

pulling your, your own weapon.

Eltison: Oh, well, that was...I had, when I was...what I meant by that is, when we

were coming out, I had gun on my hand, and I was getting ready 'cause'

we have confirmed guy's standing right there with gun. And I'm

thinking...but I've got all these other kids here. I've got moving. You know, I'm moving myself. And basically, you know, I probably should have been pointing my gun at the guy right then and there. But you know, this is another bang up. I don't know. I would...I get guys with guns all the time, and you know, I get them without incident. And you know, maybe

the, that foolishly, I was too complacent. I don't know.

Cochran: Okay. You have any other?

Blagg: I have just one other quick question. Guy in brown shirt. Originally you

said that he was standing closest to you within arms' reach.

Ellison: Yeah.

Blagg: Is that accurate?

Ellison: Yeah.

Blagg: And did he start moving as came out and started walking towards

him?

Ellison: I don't know. You know, because I'm, I'm looking at him, and I know that

is, is moving. Now exactly where is, I don't know.

Blagg: But had gotten out of the car?

Ellison: Yeah.

Blagg: Okay.

Ellison: Okay. And I'm, I'm looking, because you know, if you're showing me that

you got a gun, I'm looking at you.

Blagg: Right. Did it seem like this guy in brown shirt was moving? If the same if you

know out, but you're not sure if he's walking around, did it seem to you like the guy was trying to gain, say, maybe a position of advantage, or to get away from a Deputy that's walking towards him? Did it seem like

he was trying to walk away from a potential Deputy?

Ellison: I, I would say in, in retrospect, that's exactly what he was doing. You

know, I mean, he could have...he had me dead to rights if he had pulled that gun. And I, you know, he would have had the drop on me, and if he would have start plugging me, because I was still sitting in the fat, dumb and happy in the driver's seat. So I could have been toast. But it did look like, to me, he, he put his hand on that gun. He thought about whatever he thought about. Whether it was to go for it or to run down the street and hold the gun in his pants or to throw it underneath the car. I don't know. But you know, he then...he only stayed there...he only had his hand on that gun for an instant, you know, for maybe to say, one thousand one, and then he was off again. And then he stayed, stayed there for about one thousand one, and then he was moving. Moved around the front of

the car. So

Cochran: Was he told to go around to the other side of the car?

Ellison: No.

Cochran: That was something he did on his own?

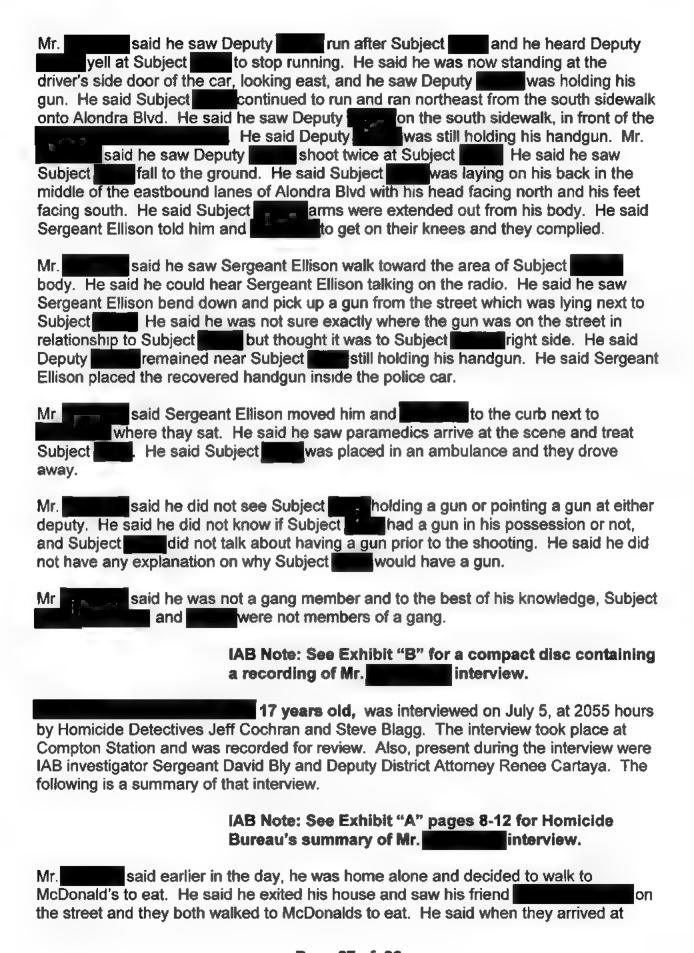
Ellison: Yeah. And after, after said whatever he said to him, like you know,

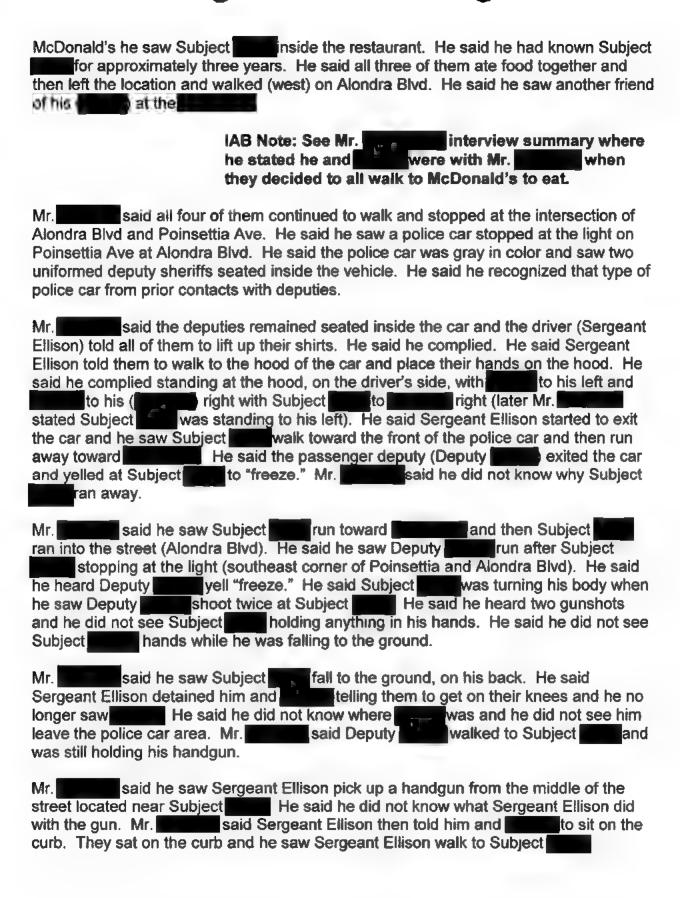
this is, 'that means you too' or something, nobody ever said anything else to him. He came. Nobody put their hands on him. And it wasn't until, you know, he did all the lifting the shirt, grabbing the gun on his own volition. Nobody said anything to him. And, and like I said, he did all the...he did the movement himself around the car, you know. I did call him, did call

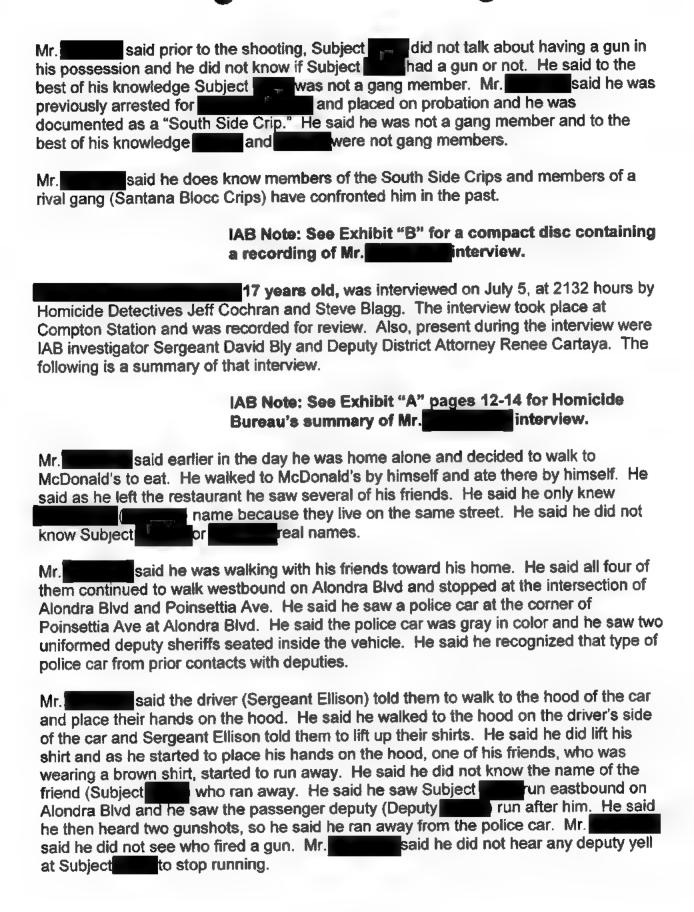
him over initially, but that was the last thing I said to him.

Okay. Blagg: That's it. IAB Note: See Sergeant Ellison's transcribed interview for further information. **CIVILIAN STATEMENTS** 17 years old, was interviewed on July 5, 2009 at 2001 hours by Homicide Detectives Jeff Cochran and Steve Blagg. The interview took place at Compton Station and was recorded for review. Also, present during the interview were IAB investigator Sergeant David Bly and Deputy District Attorney Renee Cartava. The following is a summary of that interview. IAB Note: See Exhibit "A" pages 5-8 for Homicide Bureau's summary of Mr. interview. said he was 17 years old. He said earlier that day, in the afternoon, he was with two friends. and He said he has since attending middle school together. He said all three of known and house located on Mayo Avenue. He said, subsequently, the them met at three of them walked to the McDonalds restaurant located at Long Beach Blvd and Alondra Blvd to eat. He said he saw Subject at McDonalds and they all ate at the restaurant. Mr. said after they ate, all four of them planned to walk back to Terrence's house. He said they walked westbound on the south sidewalk of Alondra Blvd. As they approached Poinsettia Ave., Mr. said he saw a police car driving north on Poinsettia. He said the police car stopped at the stop light at Alondra Blvd. He said the windows of the car were rolled down and he saw uniformed deputy sheriffs inside the vehicle. He said they continued walking westbound crossing the intersection, walking in front of the police car. said the driver of the car (Sergeant Ellison) asked them to walk toward and stop at the patrol car. He said he walked to the hood of the police car on the driver's side and stopped. He said Subject was and was said were to his left and was to his right. He said Sergeant Ellison asked them to lift up their shirts and they all complied, lifting their shirts. He said he saw Subject had lifted his shirt up and he saw Subject's exposed stomach. He said he did not see any objects in Subject waistband. He said he saw the passenger deputy (Deputy exit the car and walk toward the driver's side of the vehicle. said as Deputy was walking around the car to the driver's side, he saw Subject run away eastbound on Alondra Blvd. He said Sergeant Ellison detained him and and he saw walk away southbound on Poinsettia Ave.

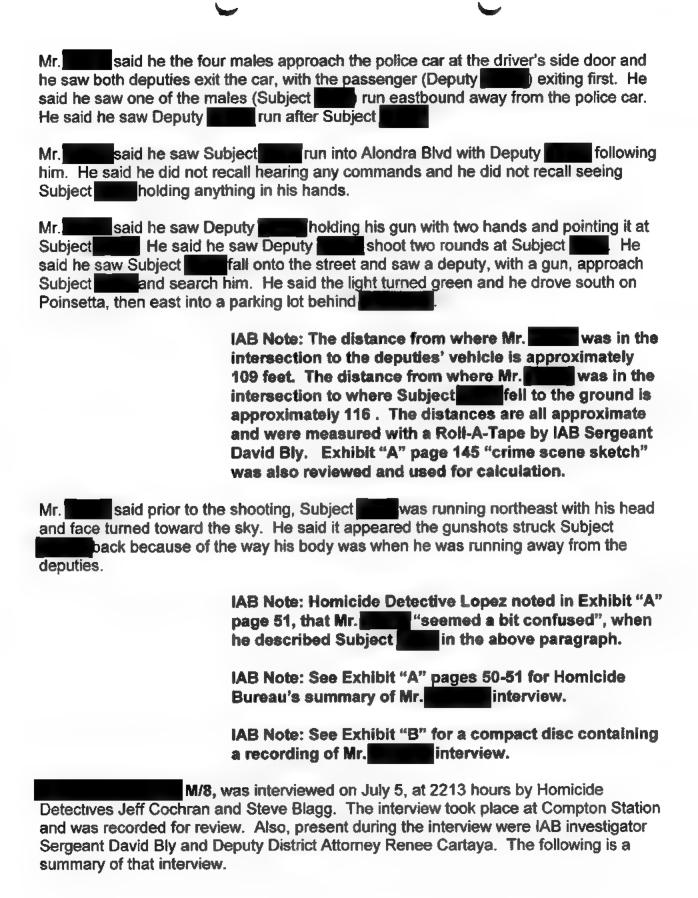
Cochran:

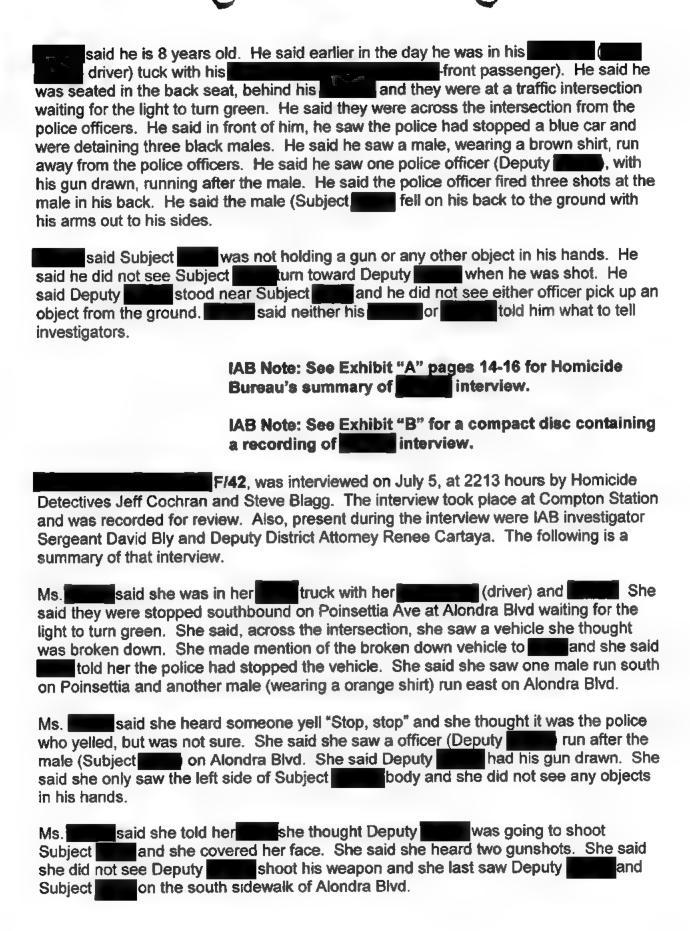


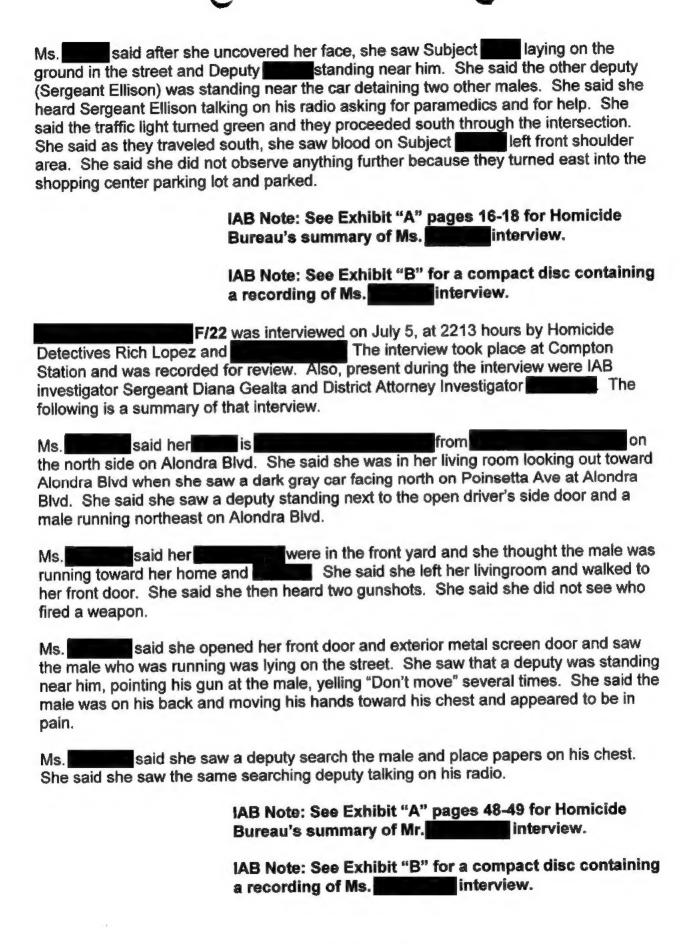


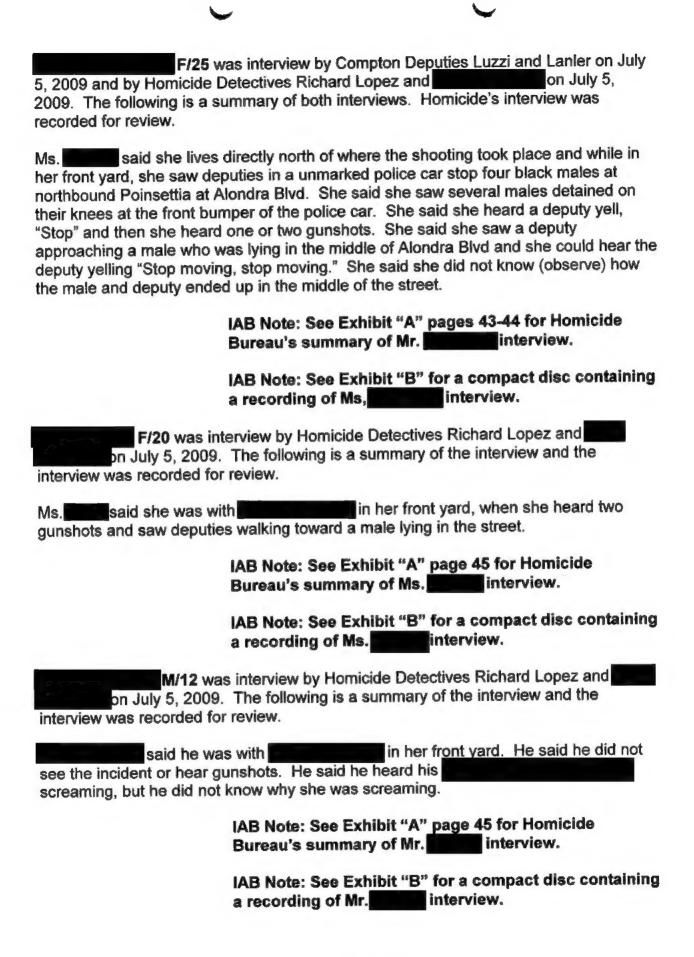


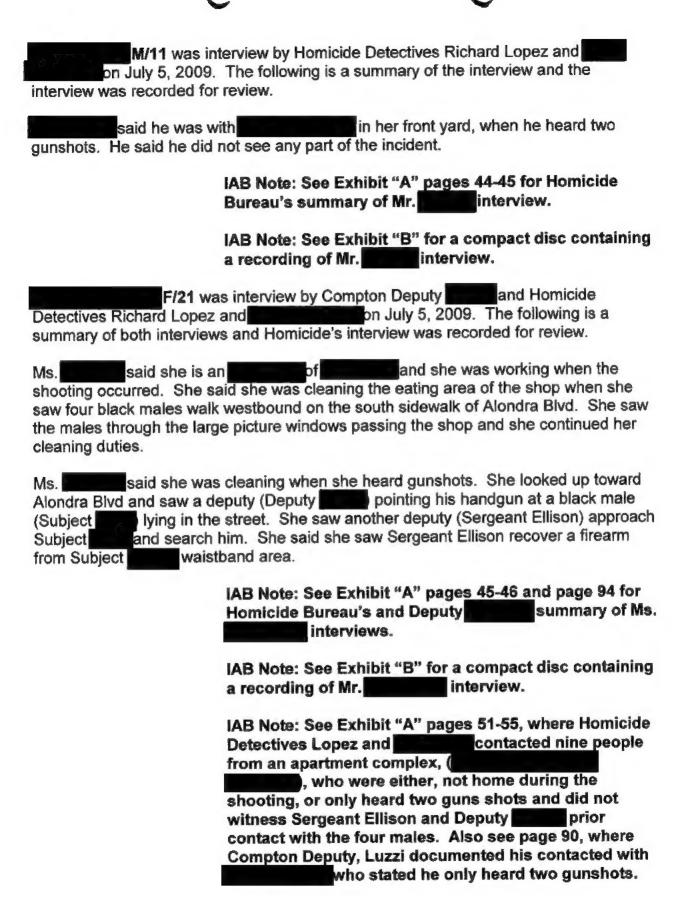
Mr. said he ran south on Poinsettia Ave into a clothing store. He said sometime later he left the clothing store and he was detained by a deputy.
Mr. said he was not a gang member and he was surprised to learn he was documented as a South Side Crip gang member with the monikers of "and" and "He said there were "Blood" gangs that claim his neighborhood and he had been confronted by gang members in the past, but does not remember the names of the gangs. He said he had been arrested for charges were dropped.
IAB Note: See Exhibit "B" for a compact disc containing a recording of Mr. Interview.
IAB Note: See Exhibit "A" pages 31-32 where Homicide Detective Blagg documented he and Detective Cochran reviewed McDonald's security video for July 5, 2009. The cameras captured Subject Mr.
M/21 was interviewed on July 5, at 2213 hours by Homicide Detectives Rich Lopez and The interview took place at Compton Station and was recorded for review. Also, present during the interview were IAB investigator Sergeant Diana Gealta and District Attorney Investigator The following is a summary of that interview.
Mr. said he was in his truck, stopped at the intersection of Poinsetta and Alondra Blvd. He said he was facing southbound on Poinsetta Ave waiting for the light to turn green. He said his and and and and were in the truck with him. He said he saw an unmarked police car, gray in color, facing northbound on Poinsetta Ave at the same intersection. He said the police car had two officers seated inside and he saw four male blacks walking eastbound, toward the police car. He said his windows were rolled up and his radio was on at a low volume.











SUBJECT STATEMENTS

None